

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.  
SECURITIES LITIGATION

Case No. 4:19-cv-00957

**CLASS ACTION**

[Lead Case]

ALYESKA MASTER FUND, L.P.,  
ALYESKA MASTER FUND 2, L.P., and  
ALYESKA MASTER FUND 3, L.P.,

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a  
SILVER RUN ACQUISITION  
CORPORATION II; RIVERSTONE  
HOLDINGS LLC; ARM ENERGY  
HOLDINGS LLC; BAYOU CITY ENERGY  
MANAGEMENT, LLC; HPS INVESTMENT  
PARTNERS, LLC; JAMES T. HACKETT,  
HARLAN H. CHAPPELLE, WILLIAM  
GUTERMUTH, JEFFREY H. TEPPER,  
DIANA J. WALTERS; MICHAEL E. ELLIS;  
RONALD SMITH; DON DIMITRIEVICH;  
PIERRE F. LAPEYRE, JR.; DAVID M.  
LEUSCHEN; WILLIAM W. MCMULLEN;  
DONALD SINCLAIR; STEPHEN COATS;  
and THOMAS J. WALKER,

Defendants.

Civil Action No. 4:22-cv-  
001189

[Consolidated Case]

ORBIS GLOBAL EQUITY LE FUND  
(AUSTRALIA REGISTERED), ORBIS  
GLOBAL EQUITY FUND (AUSTRALIA  
REGISTERED), ORBIS GLOBAL  
BALANCED FUND (AUSTRALIA  
REGISTERED), ORBIS SICAV, ORBIS  
INSTITUTIONAL GLOBAL EQUITY L.P.,  
ORBIS GLOBAL EQUITY FUND  
LIMITED, ORBIS INSTITUTIONAL  
FUNDS LIMITED, ALLAN GRAY  
AUSTRALIA BALANCED FUND, ORBIS  
OEIC, and ORBIS INSTITUTIONAL U.S.  
EQUITY L.P.,

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a  
SILVER RUN ACQUISITION  
CORPORATION II; RIVERSTONE  
HOLDINGS LLC; ARM ENERGY  
HOLDINGS LLC; BAYOU CITY ENERGY  
MANAGEMENT, LLC; HPS INVESTMENT  
PARTNERS, LLC; JAMES T. HACKETT,  
HARLAN H. CHAPPELLE, WILLIAM  
GUTERMUTH, JEFFREY H. TEPPER,  
DIANA J. WALTERS; MICHAEL E. ELLIS;  
RONALD SMITH; DON DIMITRIEVICH;  
PIERRE F. LAPEYRE, JR.; DAVID M.  
LEUSCHEN; WILLIAM W. MCMULLEN;  
DONALD SINCLAIR; STEPHEN COATS;  
and THOMAS J. WALKER,

Defendants.

Civil Action No. 4:22-cv-02590

[Consolidated Case]

**DON DIMITRIEVICH AND HPS INVESTMENT PARTNERS, LLC’S PARTIAL  
JOINDER IN CERTAIN MOTIONS FOR SUMMARY JUDGMENT ON  
GROUND OF DAMAGES AND LOSS CAUSATION**

Don Dimitrievich and HPS Investment Partners, LLC (“HPS”) respectfully submit this partial joinder in the Summary Judgment Motion by Director Defendants David M. Leuschen, Pierre F. Lapeyre, Jr., Donald R. Sinclair, James T. Hackett, William D. Gutermuth, Jeffrey H. Tepper, and Diana J. Walters on Class Plaintiffs’ Section 10(b) and 20(a) claims (ECF No. 526) (“Director Mot.”) and the Summary Judgment Motion by Defendants Alta Mesa Resources, Inc., James T. Hackett, Thomas J. Walker, William D. Gutermuth, Jeffrey H. Tepper, Diana J. Walters, Stephen S. Coats, Harlan H. Chappelle, Michael E. Ellis, Ronald J. Smith, David M. Leuschen, Pierre F. Lapeyre, Jr., Donald R. Sinclair, and Riverstone Holdings LLC on Opt-Out Plaintiffs’ claims (ECF No. 521) (“Opt-Out Mot.”).

**PARTIAL JOINDER**

Mr. Dimitrievich hereby joins movants’ argument that Plaintiffs have failed to adduce evidence of loss causation or damages as required to support their Section 10(b) claims.<sup>1</sup> Director Mot. at 20-23; Opt-Out Mot. at 14. Mr. Dimitrievich and HPS further join movants’ arguments that they are entitled to summary judgment on Plaintiffs’ Section 20(a) claims for failure to show loss causation or damages. Director Mot. at 23-25.

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<sup>1</sup> Mr. Dimitrievich and HPS previously submitted motions for summary judgment that are fully briefed and pending before the Court. For the reasons contained therein, the Court need not reach issues of loss causation and damages to resolve the claims against Mr. Dimitrievich and HPS. However, loss causation and damages provide an additional basis for dismissal.

**CONCLUSION**

Accordingly, Mr. Dimitrievich and HPS respectfully submit this partial joinder.

Dated: December 22, 2023

Respectfully submitted,

/s/ Christopher Porter

(signed by permission of Attorney-in-Charge)

Karl S. Stern (attorney in charge) (SBN  
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**COUNSEL TO HPS INVESTMENT  
PARTNERS, LLC AND DON  
DIMITRIEVICH**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was filed on December 22, 2023 using the Court's CM/ECF system, which will therefore will send electronic notification of such filing to all counsel of record.

/s/ Christopher Porter

Christopher Porter